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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,225	01/24/2005	Peter John Barton	ASZD-P01-804	7196

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FISH & NEAVE IP GROUP  
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BOSTON, MA 02110-2624

EXAMINER
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LAMBKIN, DEBORAH C

ART UNIT	PAPER NUMBER
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1626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/522,225	Applicant(s) BARTON ET AL.	
	Examiner Deborah C. Lambkin	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-14, 17-19 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

DEBORAH C. LAMBKIN  
PRIMARY EXAMINER

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

Group II, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is thienyl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

Group III, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is furyl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

Group IV, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is thiazolyl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

Group V, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is pyridyl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

Group VI, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is imidazolyl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

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Group VII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is benzothiazolyl, B is aryl or cycloalkyl and R1-R6 is non-heteroparyl.

Group VIII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is benzothienyl, B is aryl or cycloalkyl and R1-R6 is non-heteroaryl.

Group IX, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is thienyl and R1 – R6 is non-heteroaryl.

Group X, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is furyl and R1-R6 is non-heteroaryl.

Group XI, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is thiazolyl and R1-R6 is non-heteroaryl.

Group XII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is piperidinyl and R1-R6 is non heteroaryl.

Group XIII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is piperazinyl and R1-R6 is non-heteroaryl.

Group XIV, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is pyrrolidinyl and R1-R6 is non-heteroaryl.

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Group XV, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is 1,3-dihydroisoindolyl and R1-R6 is non-heteroaryl.

Group XVI, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is morpholinyl and R1-R6 is non-heteroaryl.

Group XVII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is pyridyl and R1-R6 is non-heteroaryl.

Group XVIII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is imidazolyl and R1-R6 is non-heteroaryl.

Group XIX, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is 1,2,4-triazolyl and R1-R6 is non-heteroaryl.

Group XX, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is 1,3-benzodioxolyl and R1-R6 is non-heteroaryl.

Group XXI, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is thiomorpholinyl and R1-R6 is non-heteroaryl.

Group XXII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is pyrimidinyl and R1-R6 is non-heteroaryl.

Group XXIII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is pyrazinyl and R1-R6 is non-heteroaryl.

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Group XXVI, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is pyridazinyl and R1-R6 is non-heteroaryl.

Group XXVII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is benzimidazolyl and R1-R6 is non-heteroaryl.

Group XXVIII, claim(s) 1-8, 10 and 17-19, those of which are drawn to compounds, compositions and methods of use of Formula I wherein A is aryl, B is pyrimidinyl and R1-R6 is non-heteroaryl.

Group XXIX, claim(s) 9 and 13-14, drawn to compounds, compositions and methods of use as listed.

Group XXX, claim(s) 11 and 13-14, drawn to compounds, compositions and methods of use of Formula Ij wherein R1-R6 is non-heteroaryl.

Group XXXI, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is aryl or cycloalkyl and R1 to R6 is non-heteroaryl.

Group XXXII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is thienyl and R1-R6 is non-heteroaryl.

Group XXXIII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is furyl and R1-R6 is non-heteroaryl.

Group XXXIV, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is thiazolyl and R1 to R6 is non-heteroaryl.

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Group XXXV, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is piperidinyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

Group XXXVI, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is piperazinyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

Group XXXVII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is pyrrolidinyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

Group XXXVIII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is 1,3-dihydroisoindolyl and R<sub>1</sub>-R<sub>6</sub> is non-heteroaryl.

Group XXXIX, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is morpholinyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

Group XXXX, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is pyridyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

Group XXXXI, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is imidazolyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

Group XXXXII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula I<sub>k</sub> wherein B is 1,2,4-triazolyl and R<sub>1</sub> to R<sub>6</sub> is non-heteroaryl.

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Group XXXXIII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is benzodioxolyl and R1 to R6 is non-heteroaryl.

Group XXXXIV, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is thiomorpholinyl and R1 to R6 is non-heteroaryl.

Group XXXXV, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is pyrimidinyl and R1 to R6 is non-heteroaryl.

Group XXXXVI, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is pyrazinyl and R1 to R6 is non-heteroaryl.

Group XXXXVII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is pyridazinyl and R1 to R6 is non-heteroaryl.

Group XXXXVIII, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is benzimidazolyl and R1 to R6 is non-heteroaryl.

Group XXXXIX, claim(s) 12-14, those of which are drawn to compounds, compositions and methods of use of Formula Ik wherein B is pyrimidinyl and R1 to R6 is non-heteroaryl.



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Group XXXXX, claim(s) drawn to compounds, compositions and methods not covered by any of the above groups.

The inventions listed as Groups 1-50 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

They do not have a substantial common core nor is said core a novel feature over the prior art, they do not fall into any of the five permissible classes, nor do they meet the two of three criteria for Markush claims (see MPEP 1850 D).

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows: phenyl ketones, pyridyl ketones, piperaziny ketones, etc.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

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are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The following claim(s) are generic: 1, 11, 12 for example.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons:

Same as above.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah C. Lambkin whose telephone number is 571-272-0698. The examiner can normally be reached on 9.00-5.30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DERORAH C. LAMKIN  
PRIMARY EXAMINER

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